

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON NOVEMBER 4, 2009, WITH THE FOLLOWING MEMBERS PRESENT: EDWIN H. HUMPHREY, PRESIDENT, ROBERT L. PROUD, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 204-09/PAYMENT OF BILLS...ADOPTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **204-09** resolving to approve payment to vendors **in the total amount of \$2,771,820.49** as set forth in the General Ledger Distribution Report(s) and Procurement Card Transaction Report presented by the County Auditor **11/02/09**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: FACILITIES MANAGEMENT DEPARTMENT...AMENDMENT TO THE LEASE AGREEMENT WITH WILLIAMS SCOTSMAN, INC. FOR THE LEASE OF A MODULAR UNIT FOR THE CLERMONT COUNTY CLERK OF COURTS/DOMESTIC RELATIONS DIVISION...05-1102-002...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Wade Grabowski, Director, Facilities Management Department, with the concurrence of Stephen H. Rabolt, Director, Office of Technology, Communications and Security, to execute an Amendment to the Lease Agreement by and between the Board of County Commissioners, Clermont County, Ohio, and Williams Scotsman, Inc., 125 Distribution Drive, Hamilton, Ohio 45015, previously ratified by the Board of County Commissioners on 11/02/05 and subsequently amended on 12/11/08, for the lease of a modular unit for the Clermont County Clerk of Courts/Domestic Relations Division located at 2340 Clermont Center Drive, Batavia, Ohio 45103 at the rate of \$1,599.00 per month, which represents the second additional one year renewal period through 11/18/10, with all other terms and conditions of the original Agreement to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...REQUEST TO RE-ADVERTISE FOR BIDS FOR PROJECT NUMBER 621-0047 RELATIVE TO THE WARDS CORNER AND NEWTONSVILLE TANK PAINTINGS PROJECT LOCATED IN MIAMI AND WAYNE TOWNSHIPS FOR SAME...09-0727-005...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Chris Rowland, P.E., Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to approve the request to re-advertise for bids for Project Number 621-0047 relative to the Wards Corner and Newtonsville Tank Paintings Project located in Miami and Wayne Townships, inasmuch as there were no bids received on 09/10/09, pursuant to the plans and specifications therefore, and to authorize the Clerk of the Board to place a Legal Notice in a newspaper of general circulation on 11/12/09, scheduling a non-mandatory Pre-Bid Meeting on 12/03/09 at 10:00 A.M., with bids to be received therefore until 2:00 P.M. Local Time on Thursday, 12/10/09 in the Office of the Board of County Commissioners, 101 East Main Street, Batavia, Ohio 45103, where they will be publicly opened and read aloud shortly thereafter. This notice is also posted on Clermont County's internet site.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
AWARD OF BID FOR PROJECT NUMBER 651-0123 RELATIVE TO
THE CONSTRUCTION OF THE SHAYLER RUN SEGMENT "C"
SEWER REPLACEMENT PROJECT SITUATED WITHIN UNION
TOWNSHIP AND EXECUTION OF CONTRACT RELATIVE
THERE TO...09-0626-007...RATIFIED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Lyle G. Bloom, P.E., Sanitary Engineer, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to award the bid for Project Number 651-0123 relative to the construction of the Shayler Run Segment "C" Sewer Replacement Project situated within Union Township, pursuant to the plans and specifications therefore, to Midwest Mole, Inc., 2460 North Graham Avenue, Indianapolis, Indiana 46218, for their lowest and best bid received therefore on 08/20/09 and subsequently extended on 10/14/09, at the item prices as outlined therein, for a total amount not to exceed \$15,218,033.00, and to execute the Contract relative thereto, pursuant to the terms and conditions set forth therein, the award of bid therefore, and in compliance with the Ohio Environmental Protection Agency (OEPA), the Ohio Water Development Authority (OWDA), and the Ohio Public Works Commission (OPWC) in and as it relates to the Water Pollution Control Loan Fund (WPCLF) Program/Application and/or the OPWC Loan Agreement for Project Control Number CJ16K.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES
WITH CH2M HILL, INC. FOR PROJECT NUMBER 651-0006 RELATIVE
TO THE LOWER EAST FORK WASTEWATER TREATMENT PLANT
IMPROVEMENT PROJECT LOCATED WITHIN MIAMI
TOWNSHIP...08-1016-005...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Jeff Goetz, Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to execute an Amendment to the Contract for Professional Services by and between the County of Clermont, Ohio, and CH2M Hill, Inc., 300 E-Business Way, Suite 400, Cincinnati, Ohio 45241, previously ratified by the Board of County Commissioners on 10/28/08, for the provision of additional design services for Project Number 651-0006 relative to the Lower East Fork Wastewater Treatment Plant Improvement Project located within Miami Township, which represents an increase in the amount of \$29,555.00, for a total revised contract amount of \$582,743.00, with all other terms and conditions of the original Contract to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH FREEZE
UNDERGROUND, LLC FOR PROJECT NUMBER 621-0039 RELATIVE
TO THE OAK VIEW DRIVE WATER PETITION PROJECT SITUATED
WITHIN GOSHEN TOWNSHIP...09-0112-002...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Jeff Goetz, Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to execute Change Order Number 1 to the Contract with Freeze Underground, LLC, 10397 Pleasant Renner Road, Goshen, Ohio 45122, previously ratified by the Board of County Commissioners on 04/22/09, for Project Number 621-0039 relative to the Oak View Drive Water Petition Project situated within Goshen Township, which represents a decrease in the amount of \$1,000.00, for a total adjusted contract price to date of \$21,570.00 for additions, deletions and/or modifications thereto as defined therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RECOMMENDATION NOT TO PROCEED WITH PROJECT NUMBER
651-0046 RELATIVE TO THE ARBORCREST SEWER ASSESSMENT
PROJECT LOCATED WITHIN MIAMI TOWNSHIP...09-1022-
005...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Jeff Goetz, Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, not to proceed with Project Number 651-0046 relative to the Arborcrest Sewer Assessment Project located within Miami Township due to the lack of support from property owners for said Project and to authorize the Clermont County Water Resources Department to send notice to the owners of property affected by said Project advising them that the Project is no longer active and declaring that all proceedings with respect to same are hereby discontinued.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: COUNTY ENGINEER...FOXPOINTE SUBDIVISION/BATAVIA TOWNSHIP...RELEASE OF THREE YEAR PERFORMANCE BONDS FOR SIDEWALKS AND IN LIEU THEREOF ACCEPTANCE OF ONE YEAR PERFORMANCE BONDS FOR SIDEWALKS FOR SAME...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to authorize the release of Three Year Performance Bonds for Sidewalks within the following Subdivision located in Batavia Township, and in lieu thereof, to accept One Year Performance Bonds for Sidewalks within same in the amounts as follows:

Subdivision	Three Year Performance Bond	One Year Performance Bond
Foxpointe Subdivision Section One Batavia Township DC# 04-1203-004	\$33,780.00	\$7,780.00
Foxpointe Subdivision Section Two Batavia Township DC# 06-0710-004	\$13,540.00	\$7,380.00

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...SATISFACTION OF MORTGAGE RELATIVE TO THE SEPTIC SYSTEM REHABILITATION FINANCING PROGRAM...09-1026-004...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Thomas L. Blust, Chief Assistant Prosecuting Attorney, with the concurrence of David L. Spinney, County Administrator, to authorize Edwin H. Humphrey, President of the Board of County Commissioners, to execute a Satisfaction of Mortgage, certifying that the mortgage as dated has been paid, satisfied, and authorized for release for the following property, as it relates to the Septic System Rehabilitation Financing Program in concert with the Ohio Department of Development Small Cities Community Development Block Grant, as outlined below:

Name/Address	Parcel Number(s)	Recorded/Dated
James H. and Evelynne Burchfield 2330 Wilshire Circle Goshen, Ohio 45122	30-44-13.-132.	Mortgage Volume 2141 Pages 703-705 Dated 08/13/08

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...FINANCIAL/BUDGETARY ACTIONS FOR FISCAL YEAR 2009...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of David L. Spinney, County Administrator, to approve financial/budgetary actions as they relate to changes in the Annual Appropriation Resolution for Fiscal Year 2009 (Resolution Number 194-08) and/or interfund transactions as outlined in the following table(s) and to authorize Linda Fraley, County Auditor, to properly record same:

BUDGET TRANSFER OF FUNDS:

\$ 6,200.00	From Fleet Maintenance Fund 811-8610-5300 to 811-8610-5200 (Purchased Services to Fringe Benefits)
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Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

LET THE RECORD SHOW: That a motion by Mr. Croswell, seconded by Mr. Proud, to approve the minutes of Work Sessions of **09/28/09 and 09/30/09** carried with all members present voting affirmatively thereon.

LET THE RECORD SHOW: A MOTION BY MR. PROUD, SECONDED BY MR. CROSWELL, TO GO INTO EXECUTIVE SESSION AT 1:14 P.M. PURSUANT TO SECTION 121.22(G)(3) OF THE OHIO REVISED CODE REGARDING PENDING LITIGATION, CARRIED WITH ALL MEMBERS VOTING AFFIRMATIVELY THEREON.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 2:00 P.M. WITH NO ACTION TAKEN.

LET THE RECORD SHOW: That a motion by Mr. Proud, seconded by Mr. Croswell, to approve the minutes of Regular Session of **11/04/09** carried with all members present voting affirmatively thereon.

LET THE RECORD SHOW: That the President of the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 2:01 P.M.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**EDWIN H. HUMPHREY, PRESIDENT
ROBERT L. PROUD, VICE PRESIDENT
R. SCOTT CROSWELL III, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED – 11/04/09